

# HOUSE BILL REPORT

## HB 1136

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### As Passed Legislature

**Title:** An act relating to studying electronic monitoring as an alternative to incarceration.

**Brief Description:** Ordering a study of electronic monitoring systems.

**Sponsors:** By Representatives O'Brien, Darneille, Kirby, Miloscia, Lovick and Chase.

### Brief History:

#### Committee Activity:

Criminal Justice & Corrections: 1/27/05, 2/3/05 [DP].

#### Floor Activity:

Passed House: 3/10/05, 95-0.

Senate Amended.

Passed Senate: 4/11/05, 49-0.

House Concurred.

Passed House: 4/18/05, 95-0.

Passed Legislature.

### Brief Summary of Bill

- Requires the Washington Association of Sheriffs and Police Chiefs (WASPC) to conduct a study on the electronic monitoring programs used in every state.
- Requires the Department of Corrections to work with the WASPC to establish an electronic monitoring program for low risk offenders.
- Requires the Department of Corrections to place at least 100 offenders per day on electronic monitoring.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** Do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Kirby and Strow.

**Staff:** Yvonne Walker (786-7841).

### Background:

A range of terminology is used when describing electronic supervision. One of the most frequently used terms is electronic monitoring, which is generally associated with technologies that determine whether an offender is at home (or other location) as stipulated by his or her condition of supervision. Other terms that are frequently used when referring to electronic monitoring include electronic bracelets, home detention, home arrest, and home confinement.

The electronic monitoring program uses electronic equipment to monitor a person's presence at a particular location from a remote location. It works like a cordless phone. During specified times, one has to be at the location where the monitor sends a signal to the base. The base connects over a modem to a remote station and delivers data of the offender's whereabouts. It is a device of a size of a regular pager. A rubber strip (with a metal cord inside) attaches the monitor to the person's leg. If that person steps outside of the monitored range an alarm or other signal can go off.

Electronic monitoring is often used by the courts as well as local and state correctional entities to ensure an offender's compliance with a condition or requirement of a sentence. Offenders can be charged a fee for this special service (alternative to incarceration sentence) of electronic monitoring to help offset the cost of supervision.

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### **Summary of Bill:**

**Electronic Monitoring Study.** The WASPC must conduct a study on electronic monitoring in every state. The study must analyze each state's activity regarding electronic monitoring and must review the following issues:

- how often electronic monitoring is used;
- a description of laws and circumstances of when an offender is placed on electronic monitoring;
- the discovery and analysis of specific programs used to promote electronic monitoring and how they are operated;
- the type of electronic monitoring technology used;
- an evaluation of offender pay programs and the amount of money recovered from these programs;
- overall perceptions of electronic monitoring from the criminal justice community, and any real or perceived problems or concerns with electronic monitoring; and
- any estimates on savings realized by utilizing electronic monitoring.

The WASPC must place its findings and recommendations into a final report and present it to the Legislature by no later than December 31, 2005.

**Placement of Offenders on Electronic Monitoring.** The Department of Corrections (DOC) must work with the Washington Association of Sheriffs and Police Chiefs to establish and operate an electronic monitoring program for low-risk offenders who violate the terms of their community custody. Between January 1, 2006, and December 31, 2006, the DOC must endeavor to place at least one hundred low-risk community custody violators on the electronic

monitoring program per day if there are at least that many low-risk offenders who qualify for the electronic monitoring program.

Local governments, their subdivisions and employees, the DOC and its employees, and the Washington Association of Sheriffs and Police Chiefs and its employees are immune from civil liability for damages arising from incidents involving low-risk offenders who are placed on electronic monitoring unless it is shown that an employee acted with gross negligence or bad faith.

If specific funding is not provided for the bill, it becomes null and void. The entire act expires on December 31, 2005.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

**Testimony For:** This is an effort to find a more economical way of supervising nonviolent offenders in the community rather than incarcerating them in jail or prison. Many counties are already using electronic incarceration with great success.

About 15 years ago the WASPC developed an electronic monitoring system throughout the state. Since that time the technology has grown. Technology has improved so much so that policymakers are starting to think it is a good idea to increase its use. In Washington the use of electronic monitoring has been stagnant, however throughout the rest of the country the growth is increasing. In the State of Michigan, they have nearly 30,000 offenders on electronic monitoring at any given time. The intent of this bill is to study what other states are doing, to determine what technology they are using, how much they are using electronic monitoring technology, and to see what ideas we can use to increase technology in Washington.

The biggest violators of the program are juveniles, however home monitoring for adults has been very successful and violations for adults are very rare.

Sheriffs and police chiefs throughout the state support this bill. The majority of county jails throughout the state are overcrowded and utilizing more electronic monitoring could save taxpayers money and could open up beds in many of the jails.

**Testimony Against:** None.

**Persons Testifying:** Representative O'Brien, prime sponsor; Tim Schellberg, Washington Association of Sheriffs and Police Chiefs; Larry Taylor, Benton County Sheriff; and Lin Miller, Department of Corrections.

**Persons Signed In To Testify But Not Testifying:** None.